

DEC 14 2018

AT BALTIMORE
CLERK, U.S. DISTRICT COURT
DISTRICT OF MARYLAND
DEPUTY

AFFIDAVIT IN SUPPORT OF SEARCH WARRANT

BY I, Jonathan S. Stewart, a Special Agent (SA) with the Federal Bureau of Investigation

(FBI), Baltimore Division, Baltimore, Maryland, being duly sworn, depose and state as follows:

1. I have been a SA with the FBI since May 2018. Prior to my employment with the FBI, I was a State Trooper with the Maryland State Police beginning in January 2012. The majority of my time with the Maryland State Police was spent assigned to a federal high intensity drug trafficking area (HIDTA) task force, where I was a federally deputized task force officer for both the Drug Enforcement Administration (DEA) and the Department of Homeland Security, Homeland Security Investigations (HSI). During that time, I authored dozens of federal search warrants in furtherance of investigations, as well as, authored multiple Title III affidavits and ran multiple wiretap investigations. Since being employed with the FBI, I have primarily investigated federal violations concerning child pornography and the sexual exploitation of children. I have gained experience through daily work related to conducting these types of investigations. I have participated in the execution of numerous search warrants, of which the majority have involved child exploitation and/or child pornography offenses. Many of the child exploitation and/or child pornography search warrants resulted in the seizure of computers, cell phones, magnetic storage media for computers, other electronic media, and other items evidencing violations of federal laws, including various sections of Title 18, United States Code § 2252A involving child exploitation offenses. I have also participated in the execution of numerous search warrants for online accounts, such as email accounts, online storage accounts and other online communication accounts related to child exploitation and/or child pornography. In the course of my employment with the FBI, I have observed and reviewed numerous examples of child pornography (as defined in 18 U.S.C. § 2256) in all forms of media including computer media and within online accounts.

2. As a federal agent, I am authorized to investigate violations of laws of the United States and am a law enforcement officer with the authority to execute warrants issued under the authority of the United States.

3. This affidavit is made in support of an application for a warrant to search the associated files of Cybertipline Report 41179735 that were forwarded to the National Center for Missing and Exploited Children (NCMEC) by Tumblr (hereinafter referred to as the "TARGET FILES").

4. The TARGET FILES are to be searched for evidence of violations of Title 18, United States Code, Section 2252A(a)(2) (distribution and receipt of child pornography), Title 18, United States Code, Section 2252A(a)(5)(B) (possession of child pornography).

5. The statements in this affidavit are based in part on information and reports provided by NCMEC, Tumblr, and Special Agents of the FBI, and on my experience and background as a Special Agent of the FBI. Since this affidavit is being submitted for the limited purpose of securing a search warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that evidence, fruits, and instrumentalities of the violations of Title 18, United States Code, Section 2252A(a)(2) (distribution and receipt of child pornography), and Title 18, United States Code, Section 2252A(a)(5)(B) (possession of child pornography), are located in the TARGET FILES.

**SUMMARY CONCERNING CHILD PORNOGRAPHY, PERSONS WHO
POSSESS AND COLLECT CHILD PORNOGRAPHY AND HOW USE OF
COMPUTERS AND THE INTERNET RELATES TO THE POSSESSION,
RECEIPT AND DISTRIBUTION OF CHILD PORNOGRAPHY**

6. Based on my investigative experience related to child pornography investigations, and the training and experience of other law enforcement officers with whom I have had

discussions, I have learned that individuals who utilize the internet to view and receive images of child pornography are often individuals who have a sexual interest in children and in images of children, and that there are certain characteristics common to such individuals, including the following:

a. Individuals who have a sexual interest in children or images of children may receive sexual gratification, stimulation, and satisfaction from contact with children, or from fantasies they may have viewing children engaged in sexual activity or in sexually suggestive poses, such as in person, in photographs, or other visual media, or from literature describing such activity.

b. Individuals who have a sexual interest in children or images of children may collect sexually explicit or suggestive materials, in a variety of media, including photographs, magazines, motion pictures, videotapes, books, slides and/or drawings or other visual media. Individuals who have a sexual interest in children or images of children oftentimes use these materials for their own sexual arousal and gratification. Further, they may use these materials to lower the inhibitions of children they are attempting to seduce, to arouse the selected child partner, or to demonstrate the desired sexual acts.

c. Individuals who have a sexual interest in children or images of children frequently maintain their "hard copies" of child pornographic material, that is, their pictures, films, video tapes, magazines, negatives, photographs, correspondence, mailing lists, books, tape recordings, etc., in the privacy and security of their home or some other secure FILES. Individuals who have a sexual interest in children or images of children typically retain pictures, films, photographs, negatives, magazines, correspondence, books, tape recordings, mailing lists, child erotica, and videotapes for many years.

d. Likewise, individuals who have a sexual interest in children or images of children often maintain their collections that are in a digital or electronic format in a safe, secure and private environment, such as a computer or cellphone, and surrounding area. These collections are often maintained for several years and are kept close by, usually at the collector's residence, or in online storage, email accounts or other online communication accounts, to enable the individual to view the collection, which is valued highly.

e. Individuals who have a sexual interest in children or images of children also may correspond with and/or meet others to share information and materials, rarely destroy correspondence from other child pornography distributors/collectors, conceal such correspondence as they do their sexually explicit material, and often maintain lists of names, addresses, and telephone numbers of individuals with whom they have been in contact and who share the same interests in child pornography. This data is typically in digital format, and often maintained on computers, cell phones and in online storage, email accounts or other online communication accounts.

f. Individuals who would have knowledge on how to distribute and receive digital images of child pornography through the use of Peer to Peer networks and other online methods would have gained knowledge of its FILES through online communication with others of similar interest. Other forums, such as bulletin boards, newsgroups, IRC chat or chat rooms have forums dedicated to the trafficking of child pornography images. Individuals who utilize these types of forums are considered more advanced users and therefore more experienced in acquiring a collection of child pornography images.

g. Individuals who have a sexual interest in children or images of children prefer not to be without their child pornography for any prolonged time period. This behavior has been consistently documented by law enforcement officers involved in the investigation of child pornography.

7. Based on my investigative experience related to computer and internet related child pornography investigations, and the training and experience of other law enforcement officers with whom I have had discussions, I have learned the following:

a. Computers and computer technology have revolutionized the way in which child pornography is produced, distributed, and utilized. It has also revolutionized the way in which child pornography collectors interact with each other. Child pornography formerly was produced using cameras and film (either still photography or movies.) The photographs required darkroom facilities and a significant amount of skill in order to develop and reproduce the images. As a result, there were definable costs involved with the production of pornographic images. To distribute these on any scale also required significant resources. The photographs themselves were somewhat bulky and required secure storage to prevent their exposure to the public. The distribution of these wares was accomplished through a combination of personal contact, mailings, and telephone calls. Any reimbursement would follow these same paths.

b. The development of computers, smartphones and the internet have added to the methods used by child pornography collectors to interact with and sexually exploit children. Computers, smartphones and the internet serve four functions in connection with child pornography. These are production, communication, distribution, and storage.

c. Mobile devices such as laptop computers, smartphones, iPods, iPads and digital media storage devices are known to be used and stored in vehicles, on persons or other areas outside of the residence.

d. Smartphones have the capability to access the Internet and store information, such as videos and images. As a result, an individual using a smartphone can send, receive, and store files, including child pornography, without accessing a personal computer or laptop. An individual using a smartphone can also easily plug the device into a computer, via a USB cable, and transfer data files from one digital device to another. Many people generally carry their smartphone on their person.

e. Child pornographers can now transfer photographs from a camera onto a computer-readable format. With the advent of digital cameras, the images can now be transferred directly onto a computer. A device known as a modem allows any computer to connect to another computer through the use of telephone, cable, or wireless connection. Electronic contact can be made to literally millions of computers around the world. The ability to produce child pornography easily, reproduce it inexpensively, and market it anonymously (through electronic communications) has drastically changed the method of distribution and receipt of child pornography.

f. Child pornography can be transferred via electronic mail or through file transfer protocols (FTP) to anyone with access to a computer and modem. Because of the proliferation of commercial services that provide electronic mail service, chat services (i.e., "Instant Messaging"), easy access to the Internet, and online file sharing and storage, the computer is a preferred method of distribution and receipt of child pornographic materials.

g. The Internet and its World Wide Web afford collectors of child pornography several different venues for obtaining, viewing, and trading child pornography in a relatively secure and anonymous fashion. Collectors and distributors of child pornography use online resources to retrieve and store child pornography, including services offered by Internet Portals such as AOL Inc., Yahoo, and Google, Inc., Facebook, Dropbox, Instagram, among others. The online services allow a user to set up an account with a remote computing service that provides e-mail services, file exchange services, messaging services, as well as electronic storage of computer files in any variety of formats. A user can set up an online storage account from any computer with access to the Internet. Email accounts, online storage accounts, and other online communication accounts allow users to save significant amounts of data, including email, images, videos, and other files. The data is maintained on the servers of the providers, and is occasionally retained by the providers after the user deletes the data from their account.

h. In my recent investigative experience, as well as recent discussions with law enforcement officers, I know that individuals who collect child pornography are using email accounts, online storage accounts, and other online communications accounts to obtain, store, maintain, and trade child pornography with growing frequency, in addition to, or as an alternative to, the use of personal devices.

i. Based on traits shared by collectors, the use of email, online storage accounts, and other online communication accounts, and the increased storage capacity of computers and server space over time, there exists a fair probability that evidence regarding the distribution, receipt and possession of child pornography will be found in the TARGET FILES notwithstanding the passage of time.

j. In addition, computer files or remnants of such files can be recovered months or even years after they have been downloaded onto a hard drive, deleted, or viewed via the Internet. Electronic files downloaded to a hard drive can be stored for years at little to no cost. Even when such files have been deleted, they may be recoverable months or years later using readily available forensic tools.

k. When a person “deletes” a file on a home computer, the data contained in the file does not actually disappear; rather, that data remains on the hard drive until it is overwritten by new data. Therefore, deleted files, or remnants of deleted files, may reside in free space or slack space that is, in space on the hard drive that is not allocated to an active file or that is unused after a file has been allocated to a set block of storage space for long periods of time before they are overwritten.

l. In addition, a computer’s operating system may also keep a record of deleted data in a “swap” or “recovery” file. Similarly, files that have been viewed via the Internet are automatically downloaded into a temporary Internet directory or cache. The browser typically maintains a fixed amount of hard drive space devoted to these files, and the files are only overwritten as they are replaced with more recently viewed Internet pages.

m. The storage capacity of personal computers has increased dramatically over the last few years. Common and commercially available hard drives are now capable of storing over 500 GB of data. With that amount of storage space, an individual could store thousands of video files and/or hundreds of thousands of image files.

n. Thus, the ability to retrieve residue of an electronic file from a hard drive depends less on when the file was downloaded or viewed than on a particular user’s operating system, storage capacity, and computer habits. Since the storage capacity of hard drives has increased dramatically over the last several years, it is more likely that the above-described information will be recovered during forensic analysis.

NCMEC CYBERTIPLINE

8. The National Center for Missing and Exploited Children (NCMEC) receives complaints via their Cybertipline from Internet Service Providers (ISPs), Electronic Service Providers (ESPs), and others. These Cybertipline reports are reviewed by a NCMEC analyst and forwarded to law enforcement for further investigation on the information provided in the Cybertipline report.

TUMBLR

9. Tumblr is a free microblogging and social networking website. Users can post multimedia and other content to a short-form blog. Users can follow other user’s blogs. Bloggers can also make their blogs private. The dashboard is the primary tool for the typical Tumblr user. It is a live feed of recent posts from blogs that they follow. Through the dashboard, users are able to comment, reblog, and like posts from other blogs that appear on

their dashboard. The dashboard allows the user to upload text posts, images, video, quotes, or links to their blog with a click of a button displayed at the top of the dashboard. Users are also able to connect their blogs to their Twitter and Facebook accounts; so whenever they make a post, it will also be sent as a tweet and a status update. Users are able to set up a schedule to delay posts that they make. They can spread their posts over several hours or even days. Users are also able to use a custom domain name for their blog. You can make your blog private or make specific posts private as needed. Additionally, Tumblr users can send private messages to each other.

PROBABLE CAUSE

10. On October 4, 2018, Tumblr sent **Cybertipline Report 41179735** to NCMEC and listed the Incident Type as “Child Pornography (possession, manufacture, and distribution).”

11. The report for **41179735** stated that the Tumblr account xnolimitx244 uploaded six files to their Tumblr account. Six files were provided with this Cybertipline report and have not been reviewed by the FBI. **These six files are the subject of this affidavit and application for a search warrant.** A warrant is being sought for these files due to the fact that Tumblr did not provide any information as to whether or not they viewed the files prior to sending them to NCMEC. The six files are currently in the custody and control of the FBI. Tumblr terminated this blog so it can no longer be accessed.

12. Tumblr provided the following information regarding the account:

Email Address:	kevintale778@gmail.com
Screen/User Name:	xnolimitx244
Profile URL:	xnolimitx244.tumblr.com
IP Address:	2601:140:4280:18b8:7c06:1464:29fb:1042 (Other)

13. A public database query determined that the IP address above was managed by Comcast and the geo-lookup function reported the IP address to be in the area of Aberdeen Proving

Grounds, Maryland. Comcast provided records which establish that the IP address above was assigned to: Donel Wanton, 6307 Ocean Court, Apt A, Aberdeen Proving Ground, Maryland 21005.

Prior Cybertip Investigation

14. In January 2018, Tumblr sent Cybertipline Reports 26898336 and 26949931 to NCMEC. The report for 26898336 stated that the Tumblr account associated with the Tumblr URL: xnolimitx245.tumblr.com and email address: tben9289@gmail.com uploaded three files to the Tumblr account. The report for 26949931 stated that the Tumblr account associated with the Tumblr URL: xnolimitx25.tumblr.com and email address: js3585565@gmail.com uploaded four files to Tumblr account.

15. Tumblr provided the IP address 73.212.103.184 as associated with both of the account. A public database query determined that the IP address was managed by Comcast. Comcast provided records which establish that the IP address was assigned to: Donel Wanton, 6307 Ocean Court, Apt A, Aberdeen Proving Ground, Maryland 21005.

16. I reviewed the three images associated with Cybertipline Report 26898336 and provided by Tumblr and concluded, based on my training and experience, that at least two images contain visual depictions of minors engaging in sexually explicit conduct and are child pornography under 18 U.S.C. § 2256(8). In one image, the title of which is “conversation_144012031_1515630016688.jpg,” an adult male’s penis is penetrating a minor males anus.

17. I reviewed the four images associated with Cybertipline Report 26949931 and provided by Tumblr and concluded, based on my training and experience, that at least two images contain visual depictions of minors engaging in sexually explicit conduct and are child

pornography under 18 U.S.C. § 2256(8). In one image, the title of which is “169608659253.jpg,” a naked minor male is on his hands and knees with his genitalia exposed to the camera.

18. On February 16, 2018, based on the above information, search warrants for the Tumblr accounts xnolimitx245 and xnolimitx25 and the Google accounts tben9289@gmail.com and js3585565@gmail.com were submitted to and granted by United States Magistrate Judge A. David Copperthite in the District of Maryland.

19. I reviewed the search warrant response for Tumblr account xnolimitx245 and determined it contained multiple files of child pornography. One video file, entitled “168153729183” is a video of a prepubescent male engaged in anal intercourse with an adult male. Additionally, the Google Drive account for tben9289@gmail.com also contained multiple files of child pornography. One video file, entitled “deleted-1_5145419624321384508” shows an adult male engaged in anal intercourse with a toddler.

20. I also reviewed the search warrant response for Tumblr account xnolimitx25 and determined it contained at least 3 files of child pornography. In one image, the title of which is “169608659253.jpg,” a naked minor male is on his hands and knees with his genitalia exposed to the camera.

SUMMARY

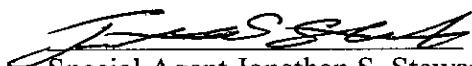
21. Based on the facts detailed above, I believe that, due to the similar Tumblr account names, as well as, the same subscriber information for the IP addresses and repeated pattern behavior, that Tumblr user xnolimitx244 is the same user as xnolimitx25 and xnolimitx245.

22. Based on the activity of the Tumblr accounts and associated Google accounts detailed above, I believe that the user of the Tumblr accounts displays characteristics common to

individuals who access with the intent to view and/or, possess, collect, receive, or distribute child pornography as discussed in paragraphs 6 and 7 above. Based on these characteristics and because the TARGET FILES appears to be accessed, controlled and/or created by the same user as xnolimitx245 and xnolimitx25, I respectfully submit there is probable cause that the TARGET FILES contains evidence of the distribution, receipt, and possession of child pornography.

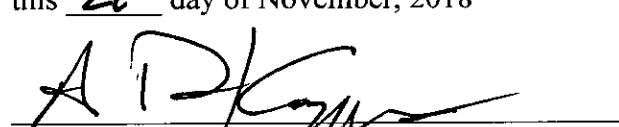
CONCLUSION

23. Based on the foregoing information, I have probable cause to believe that contraband, and evidence, fruits, and instrumentalities of violations of Title 18, U.S.C. § 2252A(a)(2) and Title 18, U.S.C. § 2252A(a)(5)(B) as set forth herein and in Attachment B, are currently contained in the TARGET FILES more fully described in Attachment A. I therefore respectfully request that a search warrant be issued authorizing a search of the TARGET FILES for the items described above and in Attachment B, and authorizing the seizure and examination of any such items found therein.



Special Agent Jonathan S. Stewart
Federal Bureau of Investigation

Sworn and subscribed before me
this 29th day of November, 2018



HONORABLE A. DAVID COPPERTHITE
UNITED STATES MAGISTRATE JUDGE

ATTACHMENT A

ITEMS TO BE SEARCHED

Associated files of Cybertipline Report 41179735 that were forwarded to the National Center for Missing and Exploited Children (NCMEC) by Tumblr, which files are now in the custody and control of the Federal Bureau of Investigation.

ATTACHMENT B

LIST OF ITEMS TO BE SEIZED

Any and all files containing a visual depiction of a minor, to include images and videos of children engaged in sexually explicit conduct as described in 18 U.S.C. § 2256, nude pictures, and modeling. Communication, information, pictures, videos or documentation that identifies the user of the account or that indicate a sexual interest in children.